REMARKS / DISCUSSION OF ISSUES

Claims 1-11 are pending upon entry of this amendment. Claims 12 and 13 are cancelled without prejudice or disclaimer of their subject matter. Unless discussed to the contrary below, claims are amended to eliminate phraseology common in European practice and replace same with phraseology commensurate with current US practice.

Objection to the Drawings

The amendment to the drawings, and particularly Fig. 3 to change reference character '3' to reference character '31' is believed to remedy the objections. Withdrawal of the objections to the drawings is respectfully requested.

Rejections under 35 U.S.C. § 112, Second Paragraph

The rejection of claim 1 under this section of the Code is believed to be moot in view of the amendment to claim 1, with the format now in compliance. Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §101

The rejection of claims 12 and 13 under this section of the Code has been considered, and while Applicants in no way concede its propriety, the rejection is moot in view of the cancelling of claims 12 and 13.

Rejections under 35 U.S.C. § 102

Claims 1-3 and 5-13 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *August* (US Patent 6,641,522). For at least the reasons set forth below, Applicants respectfully submit that all claims are patentable over the applied art.

A proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single

prior art reference. *See, e.g., In re Paulsen,* 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.,* 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.,* 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

a. Claim 1

Claim 1 recites:

A system for providing a personalized experience to a person in a medical environment, comprising:

- ***means for selecting by the person*** *preferred data from a collection of data, connected with*
- *means for controlling display means for displaying the selected data in the medical environment.*

Thus, the person in the medical environment is accorded the means to select preferred data for a personalized experience. Applicants respectfully submit that *August* fails to provide this means to the person, but rather to the care-giver. For example as disclosed in connection with the description of Fig. 6 (with emphasis added):

"FIG. 6 represents a flow chart of the steps of one embodiment of the method of the present invention. In FIG. 6, the person, such as a medical patient, is represented by reference numeral 60. **Step 62 represents a care-giver's selection of a distinct, limited set of appropriate visual images or sounds, such as pictures 12, 42, 52, 72 or 82 or sounds 21, 79 or 89 to establish generic patient needs criteria for a variety of patients, such as, for example, person 60. Step 61 involves a comprehensive review of medical condition of a particular patient**, such as, for example, person 60, to determine the appropriateness of providing one or more spatially open, serene natural landscapes from the distinct set for viewing by person 60 in an intimate setting. A further

selection process includes selecting on parallel tracks the appropriate visual image 66 and related audio program 63 for the person 60."

Thus, a caregiver selects the pictures, or sounds for the patient after consideration of the patient's medical condition. While the summary does disclose giving a patient a choice, no means for this selection are disclosed in the portions of *August* relied upon in the Office Action, or otherwise uncovered during preparation of the present Response. Notably, the summary states, inter alia:

"...the present invention provides a method of relaxing a person in a stressful environment, such as a patient in a health care, hospital or convalescent setting, by providing a person with a choice of selecting for viewing one or more high resolution spatially open, serene natural pictorial landscape scenes to which the person is believed to have an innate positive (biophilic) affinity, upon a conveniently viewable display, such as a ceiling mounted surface or upon a fabric frame display member mounted upon a flexible wall partition, such as a hospital curtain. In one embodiment, the spatially open, serene natural landscape scene is a savanna-type landscape or a like scene to which humans are believed to have a biophilic affinity."

Accordingly, Applicants respectfully submit that the applied art fails to disclose at least one feature of claim 1. Therefore, a *prima facie* case of anticipation cannot be based on claim 1 and claim 1 is patentable over the applied art.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
Phillips Electronics North America Corp.

/William S. Francos/

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